Before the

DOCKET FILE COPY ORIGINAL **Federal Communications Commission** Nov 5 4 15 PM '03
Washington, D.C. 20554

DISP ᵕ ᵕ

In the Matter of	)	
	)	
Request for Review by	)	
	)	
Grain Valley R-5 School District	)	File No. SLD-237249
Grain Valley, Missouri	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

ORDER

Adopted: October 31, 2003   **Released: November 3, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1   The Telecommunications Access Policy Division has under consideration a Request for Review filed by Grain Valley R-5 School District, Grain Valley, Missouri (Grain Valley).[1] Grain Valley requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to deny Grain Valley's Funding Year 2001 application for discounted services under the schools and libraries universal service support mechanism.[2] For the reasons set forth below, we deny the Request for Review and affirm SLD's denial of Grain Valley's application.

2.   Upon review of the record, we conclude that SLD correctly denied Grain Valley's request for support. Grain Valley's FCC Form 470 was posted on November 1, 2000.[3] Under the program rules, Grain Valley was not permitted to sign and submit its FCC Form 471 until after the end of the 28-day competitive bidding period, on November 29, 2000.[4] However, the

---

[1] Letter from Alan Welch, Grain Valley R-5 School District, to Federal Communications Commission, filed March 11, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R § 54 719(c).

[2] *See* Request for Review; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Alan Welch, Grain Valley R-5 School District, dated July 23, 2001.

[3] FCC Form 470, Grain Valley R-5 School District, filed November 1, 2000.

[4] 47 C F R. § 54.504 (b)(4). In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services. The applicant must wait 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant. *Id*; 47 C.F.R. § 54.504(c). More specifically, the date of signature for the FCC Form 471 cannot be earlier than the 29th day following the posting of the associated FCC Form 470 to the (SLD) website. *See* Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (Form 471), OMB 3060-0806 (October 2000).

record shows that Grain Valley signed its Form 471 on November 11, 2000.[5] Grain Valley maintains that SLD received its FCC Form 471 on January 11, 2001, 42 days after the posting of the Form 470 and therefore, outside the 28-day waiting period.[6]

3.   In the present case, Grain Valley has not provided evidence establishing that it signed its FCC Form 471 after the end of the 28-day waiting period. Instead, Grain Valley has argued that its FCC Form 471 was received outside of the 28-day waiting period.[7] As a result, we find that Grain Valley has failed to provide the Commission with persuasive evidence that demonstrates that it complied with the Commission's competitive bidding requirements. We, therefore, deny Grain Valley's Request for Review.

4.   ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722 (a) of the Commission's rules, 47 C.F.R. §§0.91, 0.291, and 54.722 (a), that the Request for Review filed by Grain Valley R-5 School District, Grain Valley, Missouri, on March 11, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

---

[5] *See* FCC Form 471, Grain Valley R-5 School District, filed January 16, 2001.

[6] *See* Request for Review.

[7] *Id*